

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF PENNSYLVANIA  
PITTSBURGH DIVISION

In re:  MICHAEL K. HERRON,  Debtor.	Bankruptcy 19-24527-TPA  Chapter 11  Related to Doc. No. 181  Doc. No.  Hearing Date: October 29, 2020 at 11:30 a.m.
MICHAEL K. HERRON,  Movant.  v.  WELLS FARGO BANK, NATIONAL ASSOCIATION, AS TRUSTEE FOR BANC OF AMERICA ALTERNATIVE LOAN TRUST 2005-11 MORTGAGE PASS- THROUGH CERTIFICATES, SERIES 2005- 11,  Respondent.	

**RESPONSE TO DEBTOR’S MOTION TO SELL PROPERTY FREE AND DIVESTED  
OF LIENS PURSUANT TO 11 U.S.C. §363(b)**

WELLS FARGO BANK, NATIONAL ASSOCIATION, AS TRUSTEE FOR BANC OF AMERICA ALTERNATIVE LOAN TRUST 2005-11 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-11 (“Secured Creditor”), by and through the undersigned counsel, files the non-oppositional Response to Debtor’s Motion For Sale of Property (ECF Doc.: 181), and, in support thereof, states as follows:

1. Debtor, Michael K. Herron (“Debtor”), filed a voluntary petition pursuant to Chapter 11 of the Bankruptcy Code on November 21, 2019.

2. Secured Creditor holds a first lien security interest in the Debtor's real property located at 340 Roup Ave., Pittsburgh, PA 15213 (the "Property"), by virtue of a Mortgage recorded on October 7, 2005 under Instrument Number 2005-123069 of the Allegheny County, PA. Said Mortgage secures a Note in the amount of \$133,000.00.
3. Debtor filed a Motion for Sale of Property and, according to the Motion, the Debtor intend to sell the property for a sales price of \$400,000.00.
4. Secured Creditor does not object to the Debtor's Motion to the extent that any sale is subject to Secured Creditor's lien and that Secured Creditor's lien will be paid in full at the closing of said sale based upon an up to date payoff quote.
5. The estimated payoff of Secured Creditor's lien is \$211,088.54 as of July 29, 2020. Secured Creditor will provide an updated payoff at or near the scheduled closing of the sale.
6. Secured Creditor is filing this Response in an abundance of caution, as Secured Creditor wants it to be clear that it should not be compelled to participate in a sale of the Property absent payment in full of the Secured Creditor's security interest on the Property or receipt of all funds included in any short sale approval and all other conditions of short sale having been met.
7. Furthermore, Secured Creditor requests that failure to complete the sale within 90-days of entry of this Order will result in any Order authorizing the sale to be deemed moot.

**WHEREFORE**, Secured Creditor requests that any Order Granting the Debtor's Motion be subject to strict compliance with all terms and conditions included herein and for such other and further relief that this Court deems just and proper.

**Robertson, Anschutz, Schneid & Crane, LLC.**

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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on October 28, 2020, the foregoing Response To Debtor's Motion To Sell Property Free And Divested Of Liens Pursuant To 11 U.S.C. §363(b) was electronically filed with the Clerk of Court using the CM/ECF system, and a true and correct copy has been served via CM/ECF or United States Mail to the following parties:

By First-Class Mail:

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